

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 04-50159
[CIVIL ACTION NO. 08-0040]

VERSUS

JUDGE S. MAURICE HICKS, JR.

PERRY MOSLEY

MAGISTRATE JUDGE HORNSBY

CERTIFICATE OF APPEALABILITY

A final order was entered in this case on March 28, 2011. See Record Document 97. Pursuant to Rule 11(a) of the Rules Governing 2255 proceedings for the United States District Courts, this Court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. "Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue." Rule 11(a) Rule Governing Section 2255 Proceedings for the United States District Courts (emphasis added). Unless a Circuit Justice or District Judge issues a certificate of appealability, an appeal may not be taken to the court of appeals.

In this instance, a certificate of appealability is **DENIED** because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 12th day of April, 2011.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE